

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER AMENDING ORDER NO. 76-132 REQUIRING THE
CITY OF LIVERMORE TO CEASE AND DESIST FROM
DISCHARGING WASTES CONTRARY TO REQUIREMENTS
PRESCRIBED BY THE CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION

ORDER NO. 77-23

The California Regional Water Quality Control Board, San Francisco Bay Region, finds that:

- A. On November 1, 1974, the Regional Board adopted Order No. 74-133, an NPDES Permit prescribing waste discharge requirements for the discharge of the City of Livermore, hereinafter referred to as the discharger.
- B. On July 20, 1976, the Regional Board adopted Order No. 76-84 to amend Order No. 74-133 and revise the waste discharge requirements and compliance time schedule.
- C. On December 21, 1976, the Regional Board adopted Order No. 76-132, a Cease and Desist Order, for violations of waste discharge requirements and compliance time schedules of Order Nos. 74-133 and 76-84. The Cease and Desist Order contains a prohibition on additional discharges to the City's sewer system which was partially removed by the Board on February 15, 1977.
- D. Order No. 76-132 contained a compliance time schedule requiring the discharger to accomplish certain tasks relative to the funding, design and construction of a project to comply with NPDES Permit limitations by specific dates as follows:
 - "C. The discharger shall comply with amended Board Order No. 74-133 for Effluent Limitation A.2. and Provision D.2.c. according to the following time schedule:
 - 1. If the discharger proposes to use a ballot bond issue to acquire project financing:

<u>Task</u>	<u>Completion Date</u>
(a) Determine cost-effective project	by January 15, 1977
(b) Commence facilities design	by January 21, 1977
(c) Place bond measure on May 31, 1977 ballot	by February 28, 1977
(d) Adopt alternative methods of financing	by February 1, 1977
(e) Assure capacity in the East Bay Dischargers Authority interceptor and outfall system if necessary to implement project	by March 31, 1977

<u>Task</u>	<u>Completion Date</u>
(f) Assure project financing by passage of bond issue or implement alternative method of financing	by June 1, 1977
(g) Assure project financing by alternative method if bond issue failed	by July 2, 1977
(h) Complete Facilities Design	by September 1, 1977
(i) Commence Construction	by December 15, 1977
(j) Complete 50% of Construction	by September 15, 1978
(k) Complete Construction	by June 15, 1979
(l) Full Compliance	by July 15, 1979

2. If the discharger proposes to use methods other than a ballot bond issue to acquire project financing:

<u>Task</u>	<u>Completion Date</u>
(a) Determine cost-effective project	by January 15, 1977
(b) Adopt and implement primary method of financing and adopt alternative method of financing	by February 1, 1977
(c) Assure project financing by primary method or implement alternative method	by March 3, 1977
(d) Assure capacity in the East Bay Dischargers Authority interceptor and outfall system if necessary to implement project	by March 31, 1977
(e) Assure project financing by alternative method if it is implemented as per (c) above	by April 3, 1977
(f) Commence facilities design	by January 21, 1977
(g) Complete facilities design	by September 1, 1977
(h) Commence construction	by December 15, 1977
(i) Complete 50% of construction	by September 15, 1978
(j) Complete Construction	by June 15, 1979
(k) Full compliance	by July 15, 1979"

- E. The discharger has failed to complete the following tasks from Section C of Order No. 76-132: 1a, 1b, 1c, 1d, 2a, 2b, 2c, and 2f.
- F. The Livermore-Amador Valley Water Management Agency, in a letter dated February 2, 1977, has requested that the Cease and Desist Order time schedule for adopting an alternative financing method (C.1.d) be amended to March 31, 1977.
- G. Starting at 9:00 a.m. on Tuesday, March 8, 1977, in the Pleasanton City Council Chambers, 30 West Angela Street, Pleasanton, California, after due notice to the discharger and all other affected persons, a hearing panel of the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
- H. Upon the basis of the evidence received, the hearing panel recommended that the Regional Board issue a Cease and Desist Order against the discharger requiring that he comply with the aforesaid requirements immediately and in accord with a time schedule. The Regional Board has independently reviewed the record.
- I. The discharger is violating or threatening to violate the requirements listed in Finding D above.

IT IS HEREBY ORDERED THAT: Section C on page 4 of this Regional Board Order No. 76-132 is amended to read as follows:

- C. The discharger shall comply with amended Board Order No. 74-133 for Effluent Limitation A.2. and Provision D.2.c. according to the following time schedule:

- 1. If the discharger proposes to use a ballot bond issue to acquire project financing:

<u>Task</u>	<u>Completion Date</u>
(a) Determine Cost effective project and assure capacity in the East Bay Dischargers Authority interceptor and outfall system if necessary to implement project	by March 31, 1977
(b) Adopt statement of intent to place bond issue on November 8, 1977 ballot	by April 30, 1977
(c) Adopt alternative method of financing	by June 15, 1977
(d) Report to the Board relative to any referendum action of task 1.c., if it is subject to such action	by July 15, 1977
(e) Assure project financing by passage of bond measure or implement alternate financing method	by November 9, 1977

2. If the discharger proposes to use methods other than a ballot bond issue to assure project financing:

<u>Task</u>	<u>Completion Date</u>
(a) Determine cost effect project and assure capacity in the East Bay Dischargers Authority interceptor and outfall system if necessary to implement project	by March 31, 1977
(b) Adopt and implement primary method of financing and adopt alternative method of financing	by June 15, 1977
(c) Assure project financing by primary method or implement alternative method	by July 15, 1977
(d) Assure project financing by alternative method if it is implemented as per (c) above	by August 15, 1977

3. Regardless of whether the discharger chooses method C.1 or C.2 for financing the project the discharger shall complete the following tasks regarding the design and construction of the project and achieve compliance according to the following time schedule:

<u>Task</u>	<u>Completion Date</u>
(a) Complete amendment of JPA necessary for implementation of selected	by May 15, 1977
(b) Complete EIS amendment if necessary	by July 20, 1977
(c) Complete Facilities Design	by September 1, 1977
(d) Commence Construction	by February 9, 1978
(e) Complete 50% of Construction	by
(f) Complete Construction	by
(g) Full Compliance	by
(h) Submit time schedule for tasks (e) through (g) above	by September 1, 1977

4. Submit a technical report describing LAVWMA's management organization and listing specific actions, completion dates, and timing relative to other actions by LAVWMA or any other agency which are necessary to implement the project. Specific actions shall include but not be limited to the following: project selection; financing method selection; authorization by other agencies for portions of project; contracts with other agencies; implementation of financing; and necessary grant approvals.

<u>Task</u>	<u>Completion Date</u>
Specific actions regarding design to be submitted	by March 31, 1977
Specific actions regarding financing and construction to be submitted	by April 30, 1977

5. LAVWMA and its representative agencies (Cities of Livermore and Pleasanton and Valley Community Services District) should consider adoption of Resolutions of intent by March 31, 1977, to expedite LAVWMA policy level decisions by meeting jointly with the LAVWMA Board.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on March 15, 1977.

FRED H. DIERKER
Executive Officer